

Cause No. _____

Plaintiff

vs.

Defendant

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IN THE JUSTICE COURT

PRECINCT 5

TRAVIS COUNTY, TEXAS

CONTEST OF DEFENDANT'S DECLARATION UNDER CDC ORDER

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Plaintiff and files this its contest of the Declaration of Defendant (the "Declaration") made under the September 4, 2020, Centers for Disease Control and Prevention's Temporary Halt in Evictions to Prevent Further Spread of COVID-19 (the "CDC Order") and would respectfully show the Court as follows:

CONTEST OF DECLARATION

1. Pursuant to the authority in Paragraph No. 4.a of the September 17, 2020, Twenty-Fifth Emergency Order Regarding the COVID-19 State of Disaster (the "Supreme Court Order"), Plaintiff contests the Defendant's Declaration under the CDC Order.

REQUEST FOR HEARING

2. Plaintiff requests that the Court promptly set and hold a hearing under Paragraph No. 4 of the Supreme Court Order to determine whether this action should proceed, the reasons for the determination and the procedures if this action proceeds.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that the Court set Plaintiff's contest of Defendant's Declaration at the earliest available date and time, and at the hearing, determine the veracity of the statements in the Declaration, whether this action should proceed, the reasons for the determination and the procedures if this action proceeds. Plaintiff prays for such other and further relief to which it may show itself justly entitled.

Signed on the _____ day of _____, _____.

PLAINTIFF/ATTORNEY/AGENT

Plaintiff must serve this notice to all other parties (including Defendant(s)) in accordance with TRCP 501.4.

CERTIFICATE OF SERVICE

I certify that a copy of this document was provided to all other parties (including Defendant(s)) via the following method(s) (check all that apply):

___ First Class Mail to: _____ Date: _____
___ Certified Mail, Return Receipt Requested to: _____
___ CMRRR Number: _____ Date: _____
___ Email to: _____ Date: _____
___ Fax to: (_____) _____ - _____ Date: _____
___ Hand Delivery to: (name) _____ Date: _____
___ Other (explain): _____ Date: _____